

Defendants. :

DATED: December 30, 2022

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I. PRELIMINARY STATEMENT

Defendant Grace C. Macaulay is the duly appointed Prosecutor for the County of Camden, New Jersey. As such, she is sworn to uphold and enforce the laws of this State. She is sued in this case, in her official capacity, to restrain her from carrying out that responsibility as it concerns the recently enacted P.L. 2022 Chapter 131, a State of New Jersey law enacted to protect the citizens of this state from the continuing and escalating scourge of gun violence.

This Brief is offered in opposition to the Plaintiffs' Order to Show Cause, seeking a temporary restraining order (TRO) and additional injunctive relief, preventing the defendants from enforcing certain sections of Chapter 131. The underlying Complaint asserts a cause of action against the defendants, including Prosecutor Macaulay, under 42 U.S.C. § 1983 and seeks relief, including attorney's fees. To the extent that the Complaint can be construed as seeking damages against Defendant Macaulay in her official capacity as a Prosecutor, those claims are barred by the Eleventh Amendment. *See, e.g., Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985). To the extent that the Complaint is a challenge to the constitutionality of Chapter 131, and specifically with respect to the Order to Show Cause, Prosecutor Macaulay joins in and adopts the legal arguments articulated by the Attorney General on behalf of co-defendants Platkin and Callahan in his Brief in support of those defendants' opposition to the plaintiffs' motion for a temporary restraining order.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

Defendant Macaulay adopts in full the Statement of Facts and Procedural History as set forth in the Brief by the Attorney General on behalf of the co-defendants.

III. STANDARD OF REVIEW

Defendant Macaulay concurs with the legal standard for injunctive relief articulated in the Brief by the Attorney General.

IV. LEGAL ARGUMENT

Defendant Macaulay adopts all the legal arguments advanced by the Attorney General, since they apply equally to her and support denial of the temporary restraining order.

V. CONCLUSION

For all the foregoing reasons and those articulated in the Attorney General's brief, it is respectfully requested that the Court deny the temporary restraining order.

Respectfully submitted

COUNTY COUNSEL

Date: December 30, 2022

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